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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

THE PEOPLE,

Plaintiff and Respondent,

v.

ANTHONY BRIAN GOMEZ,

Defendant and Appellant.

B167043

(Los Angeles County

Super. Ct. No. MA 024941

APPEAL from a judgment of the Superior Court of Los Angeles County.
Martin L. Herscovitz, Judge. Dismissed.

Susanne C. Wylie, under appointment by the Court of Appeal, for Defendant
and Appellant.

No appearance for Plaintiff and Respondent.

Defendant filed a notice of appeal from the judgment entered following a jury trial that resulted in his conviction of residential robbery and making a criminal threat (Pen. Code, §§ 211, 422).¹ The trial court found true allegations that defendant had suffered two prior serious or violent felony convictions (convictions in Los Angeles Superior Court case Nos. NA 031662 and SA 036468, the former a 1997 conviction of making a terrorist threat, the latter a 1999 conviction of the same offense) and had served one prior prison term (§§ 667, subd. (a)(1), 667.5, subd. (b), 667, subds. (b)-(i), 1170.12, subd. (a)). However, the trial court granted defendant's motion under *People v. Superior Court (Romero)* (1996) 13 Cal.4th 497, striking defendant's 1999 conviction. Defendant was sentenced to a total prison term of 23 years and 4 months: the upper term of 6 years doubled on the robbery, 5 years doubled under section 667, subdivision (a)(1) (for the robbery and the 1999 conviction), plus 16 months consecutive on the current conviction of making a criminal threat. The trial court also revoked formal probation granted defendant in the 1999 case and executed the sentence imposed and stayed at the time of the original conviction. The court ordered the 5 year and 8 months sentence to run concurrently with the terms imposed on the two current convictions.

We appointed counsel to represent defendant on this appeal. After examination of the record, counsel filed an "Appellant's Opening Brief," asking us to independently review the entire record on appeal for arguable issues.

On February 11, 2004, we advised defendant that he had 30 days within which to personally submit any contentions or issues he wished us to consider. We received a letter dated March 19, 2004, signed by appointed appellate counsel, transmitting a "Notice of Abandonment of Appeal," signed and dated by both defendant and appellate counsel, in which defendant states that after consulting with counsel, he wishes to abandon his appeal. Accordingly, we dismiss the appeal.

¹ All further statutory references are to the Penal Code.

DISPOSITION

The appeal is dismissed.

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ORTEGA, J.

We concur:

SPENCER, P.J.

MALLANO, J.